

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2004:

Present

Vote

Thomas G. Shepperd, Jr., Chairman
James S. Burgett, Vice Chairman
Walter C. Zaremba
Sheila S. Noll
Donald E. Wiggins

On motion of ____, which carried __, the following ordinance was adopted:

AN ORDINANCE TO AMEND SECTION 14-30 RELATING TO PAWNBROKERS AND DEALERS IN SECONDHAND GOODS, REQUIRING BOTH PAWNBROKERS AND DEALERS IN SECONDHAND GOODS TO OBTAIN A LICENSE, AND TO MAINTAIN CERTAIN RECORDS OF GOODS PURCHASED OR TAKEN IN PAWN

BE IT ORDAINED by the York County Board of Supervisors this ____ day of ____, 2004, that section 14-30, York County Code, be and it is hereby amended to read and provide as follows:

Sec. 14-30 Pawnbrokers and Dealers in Secondhand Goods.

- (a) *License required.* No person shall engage in the business of a pawnbroker or a dealer in secondhand goods in the County without having a valid pawnbroker or dealer license issued by the commissioner of the revenue; however, the provisions of this section shall not apply to any pawnbroker licensed in the Commonwealth of Virginia prior to July 1, 1998.
- (b) *Definitions:*
- (1) ~~of a~~ Pawnbroker. For purposes of this section, "pawnbroker" means any person who lends or advances money or other things for profit on the pledge and possession of tangible personal property, or other valuable things, other than

securities or written or printed evidences of indebtedness or title, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. A pawnbroker who also engages in the sale and purchase of secondhand goods shall nonetheless be deemed a "pawnbroker" for purposes of this section, and shall not be required to be licensed as a dealer in secondhand goods. Such person shall, however, comply with all requirements set forth herein for the purchase and sale of secondhand goods.

(2) Dealer in secondhand goods. For purposes of this section, a "dealer in secondhand goods" (also referred to herein as a "dealer") is any person engaged in the business of buying or selling secondhand or used articles, including junk dealers, antique dealers, dealers in secondhand clothing, furniture, appliances and similar articles and itinerant buyers or sellers, except that a person participating in licensed antique shows, arts and crafts shows and collectors shows shall not be considered dealers. "Dealer" shall also include all employers and principals on whose behalf a purchase is made and any employee or agent who makes any purchase on behalf of his employer or principal.

(c) *Applications for pawnbroker and dealer license.* Applications for pawnbroker and dealer licenses shall be under oath, shall be on a form approved and provided by the commissioner of the revenue, and shall include the following:

- (1) The name, any aliases, address, date of birth, fingerprints and a photograph of the applicant.
- (2) The address of the building where the applicant proposes to carry on the pawnbroker or dealer business.
- (3) A copy of a certificate of zoning compliance evidencing that the building where the applicant proposes to carry on the pawnbroker or dealer business is properly zoned for such use.
- (4) A sworn statement or affirmation disclosing any criminal convictions or any pending criminal charges, whether within or without the Commonwealth, involving the applicant.
- (5) As to pawnbrokers, ~~A~~ authorization from a circuit court pursuant to the provisions of section 54.1-4001, Code of Virginia, for the commissioner of the revenue to issue a pawnbroker ~~permit~~license to the applicant.
- (6) A statement as to whether or not the applicant will purchase, sell or take possession of firearms.
- (7) A statement as to whether or not the applicant will deal in precious metals and gems.

- (8) Any other information which the commissioner of the revenue reasonably determines may be necessary to determine compliance with federal, state or local laws.
- (d) *Review of pawnbroker applications.* The commissioner of the revenue shall furnish to the circuit court or the sheriff any portion of the application necessary for them to determine whether the applicant for a pawnbroker license has complied with the requirements of §§ 54.1-4001, *et seq.*, Code of Virginia.
- (e) *Duration; renewal fee; transfer.* Pawnbroker and dealer licenses shall be valid for a period of two (2) years from the date of issuance thereof, and may be renewed in the same manner as the initial license was issued. The fee for licenses and renewals shall be one hundred dollars (\$100.00). No license shall be transferable.
- (f) *Location.* No person shall engage in the business of a pawnbroker or dealer in any location other than the one designated in his license, except in the case of a pawnbroker with the consent of the court which authorized the license.
- (g) No person shall be licensed as a pawnbroker or dealer or engage in the business of a pawnbroker or dealer without having in existence a bond meeting the requirements of § 54.1-4003, Code of Virginia, applied to dealers *mutatis mutandis*.
- ~~(h) *Violations.* Any person who engages in the business of a pawnbroker in the County shall comply with the provisions of §§ 54.1-4001, *et seq.*, Code of Virginia. Any person who violates the provisions of this section shall be guilty of a class 1 misdemeanor. Each day's violation shall constitute a separate offense.~~
- (h) *Records to be kept; credentials of person pawning, selling, or purchasing goods; fee; penalty.* Every pawnbroker and dealer shall keep at his place of business an accurate and legible record of each loan or transaction in the course of his business, including transactions in which secondhand goods, wares or merchandise are purchased for resale or are resold. The account shall be recorded at the time of the loan or transaction and shall include:
- (1) A description, serial number, and a statement of ownership of the goods, article or thing pawned or pledged or received on account of money loaned thereon, or purchased for resale;
 - (2) The time, date and place of the transaction;
 - (3) The amount of money loaned thereon at the time of pledging the same or paid as the purchase price;
 - (4) The rate of interest to be paid on any loan;

- (5) Any fees charged by a pawnbroker, itemizing each fee charged;
- (6) The full name, residence address, telephone number, and driver's license number or other form of identification of the person pawning or pledging, selling or purchasing the goods, article or thing, together with a particular description, including the height, weight, date of birth, race, gender, hair and eye color, and any other identifying marks, of such person, such description to conform to any regulations promulgated by the Superintendent of State Police pursuant to § 54.1-4009, Code of Virginia, relative to records kept by pawnbrokers;
- (7) Verification of the identification by the exhibition of a government-issued identification card such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;
- (8) As to loans, the terms and conditions of the loan, including the period for which any such loan may be made; and
- (9) All other facts and circumstances respecting such loan, purchase, or sale.
- (i) *Electronic records retention.* A pawnbroker or dealer may maintain at his place of business an electronic record of each transaction involving goods, article or things pawned or pledged, purchased or sold. If maintained electronically, a pawnbroker or dealer shall retain the electronic records for at least one year after the date of the transaction and make such electronic records available to any duly authorized law-enforcement officer upon request.
- (j) *Service fees for pawned goods.* For each loan or transaction, a pawnbroker may charge a service fee for making the daily electronic reports to the appropriate law-enforcement officers required by subsection (k) hereunder, creating and maintaining the electronic records required under this section, and investigating the legal title to property being pawned or pledged or purchased. Such fee shall not exceed five percent of the amount loaned on such item or paid by the pawnbroker for such item or \$3, whichever is less.
- (k) *Daily reports.* Every pawnbroker and dealer shall prepare a daily report of all goods, articles or things pawned or pledged with him or sold to him or sold by him that day and shall file such report by noon of the following day with the sheriff. The report shall include the pledgor's, seller's or buyer's name, residence, and driver's license number or other form of identification, and a description of the goods, articles or other things pledged, purchased or sold and, unless maintained in electronic format, shall be in writing and clearly legible to any person inspecting it. A pawnbroker or dealer may compile and maintain the

daily report in an electronic format and, if so maintained, shall file the required daily reports electronically with the appropriate law-enforcement officer through use of a disk, electronic transmission, or any other electronic means of reporting approved by the law-enforcement officer. Such report shall conform to any regulations adopted by the Superintendent of State Police pursuant to § 54.1-4010, Code of Virginia, for the uniform reporting of information by pawnbrokers.

(l) *Property pawned or purchased not to be disfigured or changed.* No property received on deposit or pledged or purchased by any pawnbroker or dealer shall be disfigured or its identity destroyed or affected in any manner (i) so long as it continues in pawn or in possession of the pawnbroker or dealer, or (ii) in an effort to obtain a serial number or other information for identification purposes.

(m) *Right of entry of any law enforcement officer.* Every pawnbroker and dealer shall admit to his premises, during regular business hours, the sheriff or any law enforcement officer and shall permit such officer to examine all records required by this section and to examine and take into possession any article listed in a record which is believed by the officer to be missing or stolen.

(n) *Prohibited purchases.*

(1) No pawnbroker or dealer shall take in pawn, buy or acquire any secondhand article from any seller who is under the age of eighteen (18) years.

(2) No pawnbroker or dealer shall take in pawn, buy or acquire any secondhand article from any seller who the pawnbroker or dealer believes or has reason to believe is not the owner of such item, unless the seller has written and duly authenticated authorization from the owner permitting and directing such sale.

(o) *Retention of purchases.*

(1) No pawnbroker shall sell any pawn or pledge until (i) it has been in his possession for a period of not less than thirty (30) days or such longer period as may be agreed to in writing by the pawnor, and (ii) a statement of ownership is obtained from the pawnor.

(2) Every dealer shall retain all secondhand articles acquired by him for a minimum of ten (10) calendar days from the date on which a copy of the record required by subsection (k) above is received by the sheriff. Until the expiration of this period, the dealer shall not sell, alter or dispose of any acquired item, in whole or in part, or remove it from the county.

- (p) *Compliance with state law.* Any person who engages in the business of a pawnbroker in the county shall comply with the provisions of §§ 54.1-4001 *et seq.*, Code of Virginia.
- (q) *Penalties for violations.* Any person who violates the provisions of this section shall be guilty of a Class 1 misdemeanor. Each day's violation shall constitute a separate offense.